

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

Sonja S. Weissman (SBN 154320)
Dana A. Blanton (SBN 232373)
REED SMITH LLP
1999 Harrison St., Suite 2400
Oakland, CA 94612
Telephone: 510.763.2000
Facsimile: 510.273.8832
Email: sweissman@reedsmith.com;
dblanton@reedsmith.com

Michael K. Brown (SBN 104252)
Ginger Heyman Pigott (SBN 162908)
REED SMITH LLP
355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
Telephone: 213.457.8000
Facsimile: 213.457.8080
Email: mkbrown@reedsmith.com;
gheyman@reedsmith.com

Attorneys for Defendant
Medtronic, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY SPICER,

Plaintiff,

vs.

MEDTRONIC, INC., MEDTRONIC PS
MEDICAL, INC. dba MEDTRONIC
NEUROLOGIC TECHNOLOGIES, and Does 1
to 50,

Defendants.

No.: C08-02789 MEJ

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL WITHOUT
PREJUDICE**

IT IS HEREBY STIPULATED by and between plaintiff Jeffrey Spicer and defendant Medtronic PS Medical, Inc., by and through their undersigned attorneys, that pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), plaintiff's Complaint shall be dismissed without prejudice. Each party shall bear its own costs, fees and expenses, including attorneys' fees, in connection with this voluntary dismissal. Judgment of dismissal without prejudice may be entered hereon pursuant hereto without further notice.

DATED: June 19, 2008.

By /s/ Thomas A. Cohen
Thomas A. Cohen
Attorney for Plaintiff Jeffrey Spicer

DATED: June 19, 2008.

REED SMITH LLP

By /S/ Dana A. Blanton
Sonja S. Weissman
Dana A. Blanton
Attorneys for Defendant
Medtronic Inc.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June ___, 2008

MARIA-ELENA JAMES
UNITED STATES DISTRICT MAGISTRATE

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